

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Richard Adkins, #147810,)	C/A NO. 4:12-1295-CMC-KDW
)	
Plaintiff,)	
)	OPINION and ORDER
v.)	
)	
Sam Hendrick; Gene R. Johnson;)	
Dr. Beverly Killough; Warren Gall; Leon)	
Roberts, individually; The Myrtle Beach)	
Police Department; The Medical University)	
of South Carolina; The County of Horry,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), DSC, this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial proceedings and a Report and Recommendation ("Report"). On May 29, 2012, the Magistrate Judge issued a Report recommending that the complaint be dismissed without prejudice and without issuance and service of process. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed objections to the Report on June 13, 2012.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo*

determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After conducting a *de novo* review as to Plaintiff's objections to the Report, and considering the record, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order.

Plaintiff's objections are mostly conclusory recitations of his belief that he should be entitled to relief. These objections are rejected as they are without merit. Plaintiff also contends that the complaint is not untimely because "these pernicious violations only came to light through the Freedom of Information Act on June 9, 2009" Obj. at 3 (ECF No. 15). Even assuming, for purposes of this case, that Plaintiff's complaint was timely filed, it fails for the other reasons outlined in the Report.

This matter is dismissed without prejudice and without issuance and service of process on Defendants.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
June 13, 2012